

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DR. MILTON PRYSTOWSKY, in his own :
right and as EXECUTOR OF THE : Civil Action No. 07-72 (SDW)
ESTATE OF ROSE PRYSTOWSKY, :

Plaintiffs, : **ORDER**

v. :

TGC STORES, INC., et al., :

Defendants. :

PRIDE MOBILITY PRODUCTS CORP., :

Defendant/Third-Party Plaintiff, :

v. :

DEWERT MOTORIZED SYSTEMS, et al. :

Third-Party Defendants. :

This matter having come before the Court on the motion of non-party Invacare Corporation (“Invacare”) for an order, pursuant to Fed. R. Civ. P. 45, quashing the subpoena served by third-party defendants Dewert Motorized Systems (“Dewert”) and Phoenix Mecano, Inc. (“Phoenix”), seeking information and documents regarding an Invacare oxygen concentrator and portable oxygen unit (Docket Entry No. 127); and the Court having considered the submissions filed in support of and in opposition to the motion; and having heard oral argument on the motion; and for the reasons set forth on the record on September 14, 2010; and for good cause shown;

IT IS on this 15 day of September 2010,

ORDERED THAT Invacare's motion to quash is **GRANTED IN PART AND DENIED IN PART WITHOUT PREJUDICE**; and it is further

ORDERED THAT counsel are directed to meet and confer to resolve the issues consistent with the rulings on the record; and it is further

ORDERED THAT if any issues related to the motion to quash remain unresolved following the meet and confer between Invacare, Dewert and Phoenix, Invacare may renew its motion informally by letter to the Court.



MADELINE COX ARLEO
United States Magistrate Judge

cc: Hon. Susan D. Wigenton U.S.D.J.
Clerk
All Parties
File